

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CASSANDRA GODFREY,

Plaintiff

v.

JERALD F. CRAFT (dba CRAFT
TRUCKING) and PROGRESSIVE
SOUTHEASTERN INSURANCE
CO.,

Defendants

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CIVIL ACTION

FILE NO. _____

PETITION FOR REMOVAL

TO: The Judges of the United States District Court, Northern District of Georgia

The Notice of Removal of Defendants Jerald F. Craft, dba Craft Trucking
and Progressive Insurance Co. respectfully shows the Court as follows:

1.

A civil action has been brought against Defendants Jerald F. Craft, dba Craft Trucking and Progressive Insurance Co. (“Defendants”) in the State Court of Dekalb County, State of Georgia, by the above-named Plaintiff, said action being designated as Civil Action No. 23A03337. Plaintiff Cassandra Godfrey seeks special damages for past and future medical expenses, lost wages, and general damages for pain and suffering. The Plaintiff also seeks statutory attorneys’ fees

pursuant to O.C.G.A. § 13-6-11 and punitive damages. Plaintiff seeks to recover from the Defendants sums in excess of \$75,000.00 exclusive of interest and costs.

2.

The Plaintiffs' Complaint was filed on July 26, 2023. Plaintiff's counsel filed an Affidavit claiming to have served the out of state defendant by certified mail. Said certified mail was delivered on July 27, 2023. Progressive was served on July 31, 2023.

3.

The Plaintiff is now and was at the time of commencement of this action and at all times since believed to be a citizen and resident of the State of Georgia.

3.

Defendant Jerald Craft dba Craft Trucking, is now, was at the time of the commencement of this lawsuit, and at all times since, has been a citizen and resident of the State of North Carolina.

4.

Defendant Progressive Southeastern Insurance Company, is now, was at the time of the commencement of this lawsuit, and at all times since, a corporation organized and existing under the laws of the State of Ohio, having its principal place of business in Mayfield Village, Ohio.

5.

Defendants attach copies of the following documents that were filed with the State Court of Clayton County:

- Exhibit A Civil Case Filing Form;
- Exhibit B Complaint;
- Exhibit C Summons to Jerald F. Craft (dba Craft Trucking);
- Exhibit D Summons to Progressive Southeastern Insurance Co.;
- Exhibit E Plaintiff's First Interrogatories, Request for Production of Documents and Request for Admissions to Defendant Craft;
- Exhibit F Plaintiff's First Interrogatories, Request for Production of Documents and Request for Admissions to Defendant Progressive;
- Exhibit G Plaintiff's Affidavit of Compliance;
- Exhibit H Answer and Affirmative Defenses of Defendants;
- Exhibit I Demand for Twelve Person Jury;
- Exhibit J Notice of Leave of Absence of Robyn M. Roth;
- Exhibit K Rule 5.2 – Defendant Craft and Progressive's Responses to Plaintiff's First Request for Admissions;
- Exhibit L Defendant Craft's Responses to Plaintiff's First Request for Admissions;
- Exhibit M Defendant Progressive's Response to Plaintiff's First Request for Admissions;

Exhibit N Plaintiff's Pre-Suit Demand

6.

In the Complaint (Exhibit B) filed by the Plaintiff in the State Court of Dekalb County, Plaintiff Godfrey asserts that she has incurred medical expenses as a result of a May 7, 2022 motor vehicle accident occurring in Dekalb County, Georgia. The Plaintiff alleges personal injury as a result with medical expenses and a lost wage claim. The Plaintiff further demands an award of special damages. The Plaintiff states in Paragraph 7 of her complaint: "The amount in controversy is in excess of Seventy-Five Thousand Dollars (\$75,000.00)."

7.

In Plaintiff's pre-suit demand they list their medical expenses as totaling \$80,056.04. (See Exhibit N). Plaintiff further states in that demand letter that she was still receiving treatment.

8.

Now within thirty (30) days after service of the Summons and Complaint, Defendants have filed this Petition for Removal of said action to this Honorable Court.

9.

Plaintiff Cassandra Godfrey could have originally brought this action in this

Court under 28 U.S.C. § 1332, in that it is a civil action wherein the amount in controversy exceeds seventy-five thousand dollars (\$75,000), exclusive of interest and cost, and there is diversity of citizenship between the parties.

10.

As between the Plaintiff and Defendants there exists complete diversity of citizenship under 28 U.S.C. ' 1332(a).

11.

Pursuant to 28 U.S.C. § 1441, et seq., this action is now removable by reason of diversity of citizenship, there being more than \$75,000.00 in controversy, exclusive of interest and costs.

WHEREFORE, Defendants Jerald Craft dba Craft Trucking and Progressive Southeastern Insurance Company, file this Notice of Removal of said cause to this Court.

Respectfully submitted this 25th day of August, 2023.

FAIN, MAJOR & BRENNAN, P.C.

/s/ Robyn M. Roth

One Premier Plaza
5605 Glenridge Drive NE
Suite 900
Atlanta, GA 30342
(404) 688-6633
rroth@fainmajor.com

ROBYN M. ROTH
Georgia Bar No. 153025
Counsel for Defendants

CERTIFICATION

Pursuant to L.R. 7.1(D) N.D.Ga., I certify that this document has been prepared in Times New Roman Font 14 point, as approved by the Court in L.R. 5.1C, N.D.Ga.

FAIN, MAJOR & BRENNAN, P.C.

BY: /s/ Robyn M. Roth
Robyn M. Roth
Georgia State Bar No. 153025

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FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CASSANDRA GODFREY,	:	
	:	
Plaintiff	:	
	:	
v.	:	CIVIL ACTION
	:	FILE NO. _____
	:	
JERALD F. CRAFT (dba CRAFT	:	
TRUCKING) and PROGRESSIVE	:	
SOUTHEASTERN INSURANCE	:	
CO.,	:	
	:	
Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing ***Petition for Removal*** with the Clerk of Court using *CM/ECF* which will automatically send e-mail notification of such filing to all parties of record and/or by depositing a copy of same with the United States Postal Service, with first class postage prepaid, as follows:

Jared M. Lina, Esq.
James A. Goldstein, Esq.
Goldstein Hayes & Lina, LLC
One Buckhead Plaza
3060 Peachtree Road, NW
Suite 1000
Atlanta, GA 30305
jml@goldsteinhayes.com
jag@goldsteinhayes.com

Respectfully submitted, this 25th of August, 2023.

FAIN, MAJOR & BRENNAN, P.C.

/s/ Robyn M. Roth

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5605 Glenridge Drive NE
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rroth@fainmajor.com

ROBYN M. ROTH
Georgia Bar No. 153025
Counsel for Defendants